

COLLINS SEITZ AND JUDICIAL ADMINISTRATION

WARREN E. BURGER†

Following a distinguished twenty-year career as a state court judge in Delaware, Collins J. Seitz was appointed to the Court of Appeals for the Third Circuit on June 9, 1966. Five years later he became Chief Judge of that Court. Thus, for more than two thirds of his federal judicial service, Chief Judge Seitz has borne the responsibility for leadership of his court in matters of administration. That leadership has been extraordinarily innovative, and his innovations remarkably successful.

Shortly after Chief Judge Seitz took office, his court, faced with a sharp increase in appellate filings, undertook a time study with the assistance of the Federal Judicial Center. For a year, each judge and law clerk kept detailed time records, keyed to case numbers and divided into functions, in order to determine how the real time available to judges was being spent, and how that process could be made more efficient. This was the first such study ever undertaken by an appellate court, and the results were relied upon in revising the court's internal operating procedures. Federal judges, in particular, are notoriously independent in how they work, and it is due in large measure to Chief Judge Seitz's qualities of tact and persuasiveness that the participating judges agreed to submit, for a year, to the discipline of an organized time study of their operations.

Results of the time study suggested other Third Circuit innovations; in particular, its practice of having the panel responsible for disposition of the case determine whether or not oral argument should be required, and its practice of disposing of many cases that lack precedential value summarily by judgment order rather than by published opinion. These practices enabled the court to increase the number of cases submitted to each panel, while keeping the number of panel sittings within reasonable bounds.

In another innovative collaboration with the Federal Judicial Center, his court, with judges residing in several cities, was the first in the country to use electronic mail in the federal system. Combining word processing flexibility with instant telecommunications, electronic mail within the court has increased efficiency and collegiality. This pioneering experiment is now being put in practice in other Courts of

† Chief Justice, United States Supreme Court. LL.B 1931, LL.D 1964, St. Paul College of Law (now William Mitchell College of Law).

Appeals.

Because he is a firm believer in making the operations of the judiciary as open to public scrutiny as is consistent with the requirement of the deliberative process, Chief Judge Seitz encouraged the court to agree that its operating procedures should be published and distributed to the bar. His court was the first Circuit Court to take that step, which has been greeted in the profession with universal approval. In 1982 Congress made this innovation mandatory for all Courts of Appeals. He is also committed to the principle that those directly affected by decisions on court administration should have an opportunity to participate in formulating policies and procedures. Early in his tenure as Chief, he encouraged the court to adopt the practice of publishing proposed rules and asking for comment from the bar before they were adopted. He also encouraged the Circuit Council, which is responsible for the administration of the business of the courts in the Circuit, to adopt formal published rules of procedure. Finally, he encouraged the creation of a Lawyers Advisory Committee, the membership of which includes active practitioners in each of the District Courts. Again, in 1982 Congress passed legislation requiring all Courts of Appeals to appoint advisory committees for the study of their rules of practice and internal operating procedures.

Under Chief Judge Seitz's leadership, the judges have achieved the notable distinction, over the years, of having the lowest number of cases under submission after argument for more than sixty days of any of the circuits. At the same time, each active Circuit Judge participates in an extraordinarily high number of fully briefed appellate dispositions. This dedication to consistent individual effort is due in no small measure to the Chief Judge's qualities of leadership. He leads by persuasion and example, and as a result the court, although well known for vigorous debate on substantive issues, functions with remarkable harmony in matters of administration. Occasionally a voice is heard arguing that justice and efficiency in judicial administration are incompatible goals. Collins Seitz's distinguished career is proof that, in sensitive hands, efficiency is the servant of justice.

For more than a decade Collins Seitz, as Chief Judge, represented his Circuit on the Judicial Conference of the United States where his quiet voice and thoughtful analyses contributed much to that body. We shall miss his wise counsel.